श्री एस॰एस॰ अहलुवालिया: नहीं सर, ऐसा नियम है। अगर देर तक बैठते हैं तो परम्परा यही है कि लंच सस्पेंड नहीं किया जाता है।

श्री सभापति: ठीक है, वह परम्परा मैं देख लूंगा।

The Andhra Pradesh Legislative Council Bill, 2005

THE MINISTER OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): Sir, I beg to move:

> "That the Bill to provide for the creation of Legislative Council for the State of Andhra Pradesh and for matters supplemental, incidental and consequential thereto, as passed by Lok Sabha, be taken into consideration.

Sir, The Andhra Pradesh Legislative Council Bill, 2004, was introduced in the Lok Sabha on 16th December, 2004, and was passed by the Lok Sabha on 15th December, 2005.

The Bill seeks to provide for the creation of Legislative Council in the legislature of the State of Andhra Pradesh for matters supplemental, incidental and consequential thereto. Article 169 of the Constitution of India provides that Parliament may by law provide, *inter-alia*, for the creation of the Legislative Council if the Legislative Assembly of the State passes a resolution to that effect by majority of the total membership of the Assembly and by a majority of not less than two-thirds of the members of the Assembly present and voting. The same article also contemplates that any such law may contain such supplemental, incidental, consequential provisions as Parliament may deem fit necessary.

Sir, the Legislative Assembly of Andhra Pradesh had passed a resolution on 8th July, 2004 in terms of Article 169(1) of the Constitution for the creation of a Legislative Council in the State. In this connection, it may be submitted, Sir, that the Legislative Council existed in the State of Andhra Pradesh prior to 1985, which was abolished *w.e.f.* 1st June, 1985. Thereafter, on the basis of a resolution passed by the Andhra Pradesh Legislative Assembly for revival of the Legislative Council in the State, a Bill to the effect, containing a similar provision for the State of Tamil Nadu also, was introduced in

the Rajya Sabha on 10.05.1990, and had been passed by that House on 28th May, 1995.

This Bill, however, lapsed on the dissolution of the Ninth Lok Sabha, and the State of Andhra Pradesh, later, withdrew its request for the revival of the Council. The present Bill seeks to provide for creation of the Legislative Council in the State of Andhra Pradesh, with a total strength of ninety members, 31 of which are to be elected by the local authorities, eight each to be elected by the graduates and teachers constituencies; 31 by the Legislative Assembly; and, the remaining twelve are to be nominated by the Governor. The local authorities have been represented in the Legislative Council or the Municipal Corporation, Municipalities, Nagar Panchayats, Cantonment Boards, Zilla Praja Parishads and Mandal Praja Parishads. The constitution of the Legislative Council is; therefore, the same as it had existed prior to its abolition, except for the local bodies, constituting the local authorities' constituencies.

1.00 P.M.

Sir, as the hon. Members are already aware, the Bill was introduced in the other House on 16th December, 2004 and was referred by the hon. Speaker to the Department-Related Parliamentary Standing Committee of Personnel, Public Grievances and Law & Justice for examination and report. The Committee presented its report, to Parliament on 24th March, 2005, in which it favoured the Bill and recommended to have a re-look on the issue of enrolment of primary teachers in the teachers' constituency. In this context, it may be added that the issue of providing voting rights to the primary school teachers in the Legislative Council has been under consideration since 1957. No decision has been possible in the absence of consensus among the concerned bodies... namely, the States having Legislative Council and the Central Advisory Board of Education. The Government, therefore, does not accept that recommendation of the Department-related Standing Committee to have a relook at the issue of enrolment of primary teachers in constituencies. Sir, with these words, I commend that this Bill may be taken into consideration.

The question was proposed.

MR. CHAIRMAN: Any Member desiring to speak may do so, after which, the Minister will reply. Shri Penumalli Madhu.

(THE VICE-CHAIRMAN, SHRI DINESH TRIVEDI, in the Chair)

SHRI PENUMALLI MADHU (Andhra Pradesh): Sir, this Bill is regarding revival of the Legislative Council for the State of Andhra Pradesh. The Communist Party of India (Marxist) is opposing this Bill. Sir, we oppose this Bill. Our stated position is that we are opposing this Bill. Many political parties have taken different stands with regard to this Bill. Some are opposing it. Some are supporting it in the State of Andhra Pradesh and opposing in the Parliament. Some are keeping neutral in the State of Andhra Pradesh, and some are keeping neutral in Parliament. Different political parties adopting different stands are there. At one time, one political party takes a position to support this Bill, and at other time, it announces not to support this Bill. Again, they change the position to support this Bill. Our position is a principled position. We have been opposing this Bill. In view of the federal nature of the Indian Union, Upper House, that is, the Rajya Sabha, has to be there to represent the views of the different States of Indian Union. Such is the situation all over India, but in the State of Andhra Pradesh, a similar situation does not exist. So, we think that for the State this Council is not necessary. It has no right to make new legislations and it will only be a body with extra expenditure. Sir, in India, a number of States like Tamil Nadu, Madhya Pradesh, Gujarat, West Bengal, Kerala, Punjab etc. do not have these Councils. (*Interruptions*) It is not there in West Bengal also. Where the CPI(M) is there, there is no Council in the States. Ours is a principled position. The Rajya Sabha, in view of the federal structure to represent the States' views is a must. We support it. We want Rajya Sabha here, but a similar situation is not prevailing in the States. So, basically, Sir, we are opposing this. The earlier Government in the State of Andhra Pradesh had passed a unanimous Resolution. The present Government has also passed a unanimous Resolution to have an IIT in Basara. The Basara IIT is not given to us, but the Council is proposed. The people of Andhra Pradesh think that it is not advisable to revive the Council, as it is proposed to solve the problem of political unemployment. The people are very much opposed to it. The people who are defeated, the people who are having some money, such type of people are provided membership to the Councils, and, Sir, due to this experience, in 1985, it was decided to abolish the existing Council. Sir, for twenty years, without any Council Andhra

Pradesh, we were able to provide governance and survived the democratic institution in Andhra Pradesh.

Sir, in view of these conditions, the Communist Party of India (Marxist) decided not to have a Legislative Council in Andhra Pradesh. We voted against this Bill in the State of Andhra Pradesh. Here also, we are very much opposed to it. Sir, I think, on any issue, there should be a principled stand. But unfortunately, one time, there is one stand; and another time, there is another stand. Sir, this type of approach will not yield us a good result.

So, in view of all these things, we, the Communist Party of India (Marxist), have decided not to support this Bill. We are opposing this Bill. Thank you, Sir.

श्री कृपाल परमार (हिमाचल प्रदेश): उपसभाध्यक्ष महोदय, मैं आपकी अनुमति से इस विधेयक का समर्थन करने के लिए खड़ा हुआ हूं। मान्यवर, जब पचास के दशक में भारत का संविधान लिखा गया, तो संविधान के रचयिताओं को इस बात का इल्म था कि भारतीय समाज बहुमुखी समाज है। इसमें विभिन्न धर्मों और वर्गों के लोग रहते हैं और उन सब वर्गों का किसी संसद या विधान सभा में चुनाव जीतकर आना मुमकिन नहीं हो पाता। इसलिए समाज के सब वर्गों को देश और प्रदेश का प्रतिनिधित्व मिले, उनको अपनी राय रखने का मौका मिले, इसीलिए राष्ट्रीय स्तर पर हमारे इस सदन राज्य सभा और प्रदेशों में विधान परिषद् का संविधान के अनुच्छेद 169 की धारा (1) के तहत प्रावधान रखा गया था।

महोदय, जहां तक आंध्र प्रदेश का प्रश्न है, आंध्र प्रदेश एक बहुत बड़ा प्रदेश है। वहां विभिन्न प्रकार के लोग रहते हैं और विधान सभा में चाहे वहां दो सौ से अधिक विधान सभा की सीटें हों, लेकिन उसके बावजूद भी इतने बड़े प्रदेश में, इतने बड़े भूखंड में विभिन्न प्रकार के वर्गों का उसमें समावेश नहीं किया जा सकता। वहां पर 1985 तक विधान परिषद् सुचारू रूप से काम कर भी रही थी। महोदय, संविधान के 169 (1) के अधीन अगर वहां की विधान सभा ऐसा कोई संकल्प पारित करती है..... तो देश और यह सदन उसके लिए अनुमति दे सकता है, जिसके अधीन माननीय भारद्वाज जी इस संकल्प को लेकर आए हैं। मान्यवर, मेरे पूर्व वक्ताओं ने कहा है कि खर्चा बढ़ रहा है, इसको बंद कर देना चाहिए। आज सुबह एम०पी० लैड में घोटाले की बात आई तो, एम०पी० लैड बंद कर देना चाहिए। अगर प्रश्न काल में किसी ने रिश्वत ले ली तो प्रश्न काल बंद कर देना चाहिए। अगर पंचायत में किसी ने घोटाला कर दिया तो, तो पंचायत के इंस्ट्यूशन को बंद कर देना चाहिए। मान्यवर, मैं अपने सहयोगियों को याद दिलाना चाहता हूं कि पूर्व प्रधानमंत्री श्री राजीव गांधी जी के वक्त में उन्होंने एक वक्तव्य दिया था और कहा था कि ...(व्यवधान)...

THE VICE-CHAIRMAN (SHRI DINESH TRIVEDI): Can we, please, have some order in the House? Please, be quiet.

श्री कृपाल परमार: अगर ग्रामीण विकास के लिए एक रुपया भेजा जाता है तो सिर्फ दस पैसे वहां पर पहुंचते हैं तो, क्या इस सरकार का ही बंद कर देना चाहिए? मान्यवर, कुछ खोलने के लिए, इस देश को चलाने के लिए नई संस्थाओं के सृजन की अगर जरूरत पड़ती है तो उसमें करप्शन को रोकने के लिए उपाय किए जाएं, उसके खर्चे को कम करने के उपाय किए जाएं, लेकिन आन्ध्र जैसे बड़े प्रदेश को अगर सुचारू रूप से चलाने के लिए अगर विधान परिषद् की जरूरत है तो उस प्रदेश में विधान परिषद् सृजन करने का मैं समर्थन करता हूं। मान्यवर, जितने भी बड़े-बड़े प्रदेश हैं, चाहे उत्तर प्रदेश है, बिहार है, महाराष्ट्र है, कर्नाटक है और जम्मू-कश्मीर है, इन सभी प्रदेशों में विधान परिषदें बहुत महत्वपूर्ण रोल अदा कर रही है। वे बड़ी ईमानदारी से इलाके की बेहतरी के लिए और अपने प्रदेश की बेहतरी के लिए, अपने बहुकीमती सुझाव देकर, विधान सभा और विधान परिषद् का संचालन कर रहे हैं। मैं इस सदन से यह गुजारिश करना चाहता हूं कि ऐसी विधान परिषदें सभी प्रदेशों में होनी चाहिएं। अगर हिमाचल प्रदेश में भी विधान परिषद् को सृजित किया जाता है तो वहां के लोग अपनी बेहतरी और तरक्की के लिए अपना प्रमुख योगदान दे सकते हैं, इन्हीं शब्दों के साथ मैं इस विधेयक का समर्थन करता हूं। धन्यवाद।

DR. T. SUBBARAMI REDDY (Andhra Pradesh): Sir. I take this opportunity to support this Bill, introduced by our hon. Law Minister.

I would like to say, Sir, in 1957, the Legislative Council came into existence in Andhra Pradesh. Again, in 1985, our respected leader, late Shri N.T. Rama Raoji, made a decision. Since he came to power as the Chief Minister of Andhra Pradesh in 1983, from that time onwards, he had started disliking the Legislative Council. I do not want to go into the details and enter into any controversies. otherwise, my friends might get angry; there would be unnecessary discussions again and all that is not necessary. Whatever the case might be we have the utmost respect for democracy and democratic values.

Following the democratic tradition, at that time, when the *Telugu Desam* was in majority, in 1985, they passed a Resolution. When it was sent to the two Houses, even though the Congress party was against abolition of the Council at this time, and even though they had 425 MPs in the Lok Sabha—hon. Bhardwaj ji was the Law Minister at that time; he knows about all this and is quite experienced—our beloved leader, late Shri Rajiv Gandhi, took a stand that we must value democratic tradition, and uphold democratic values. When the

Constitution provides, under Article 169, to either provide for a Council or abolish it, and when the majority has passed the resolution, we must respect it. Just because we have a majority in the Lok Sabha with 425 MPs, we cannot oppose the sentiments of the majority of the people of Andhra Pradesh. He took such a stand then. He instructed the Party to support the Resolution sent by the Andhra Pradesh Legislative Assembly.

I would like to remind you that at that time, even then TDP leader, Shri Madhava Reddy, expressed his gratitude to Shri Rajiv Gandhi and the Congress Party for having upheld the democratic values and for getting the Resolution passed. Shri Aiyappa Reddy personally thanked Rajivji for his gesture and for valuing the democratic principles and upholding the values. In this background, Sir, in 1957 it came into existence and in 1985 it was abolished. In the meanwhile, the people of Andhra Pradesh have been feeling a strong sentiment as to what is the role of the Legislative Council. Who are actually the members of Legislative Council? They are not 100 per cent political people who will unnecessarily fight under political motivation every day. No, Majority of the people do represent intellectual section. In fact, some people are elected by the graduates and teachers. Thirty-one MLCs are elected by local bodies. Local bodies have also got intellectuals and only 31 are elected by the legislative Assembly Members. It is a totally different system or different structure. It has not purely 100 per cent political people. If he says yes, I will say no; if I say no, you will say no to it. No, it is not at all. So, the role of Legislative Council is definitely useful to the State. Now, it is not an argument that other States are not having Legislative Council. You cannot link it with other States. Each State has its own culture, heritage and its own circumstances and its own system. We cannot just compare like this. So, in Andhra Pradesh people felt that from 1957 to 1985, Council was there, and from 1985 till date, the Council is not there. In fact, during the election times also, whenever the election campaign was going on, people used to express their desire that they want the Legislative Council. In fact, in the manifesto of the Congress Party, during the election time, the Congress Party announced that they are going to give the legislative Council if this party comes in power, and the people were giving slogans that they were very happy. Therefore, the Congress Party is fulfilling the commitment of menifesto and is also fulfilling the commitment on the verdict of the people

they have given. Now, I would like to give clarification. It can be argued that because today you have got majority of MLAs, you can make the Legislative Council. No, this argument will not stand. Why? It is because tomorrow you are going to have again local bodies elections, and in the local bodies elections people like you can get majority. You can get majority. Similarly, you are going to elect teachers and graduates. Therefore, it cannot be said that if the legislative Council comes, simply one party will dominate. Only the people will decide who will dominate. It is the people's mind which will decide which party will get the majority in future. Therefore, from all these logics, it is good that the legislative Council is coming into existence. Secondly, under what moral values our friends are trying to oppose it? In 1985, when the Congress was in opposition in Andhra Pradesh and when TDP was ruling, and when they brought the Resolution, we had a large heart and magnanimity and we valued the democratic values and passed the resolution in 1985. Now, today how can you oppose it? You should follow the same tradition. Yes, the Congress has majority in Andhra Pradesh. It is the Government which was elected by the people and the people gave a mandate for the party and the Government in majority have passed a resolution to have a Legislative Council under Article 169. .....(*Interruptions*)..... How can you oppose it? (*Interruptions*)...

DR. ALLADI P. RAJKUMAR (Andhra Pradesh): One second, Sir. ....(*Interruptions*)...

THE VICE-CHAIRMAN (SHRI DINESH TRIVEDI): Are you yielding? ..... (Interruptions)..... Are you yielding? .....(*Interruptions*)....

DR. ALLADI P. RAJKUMAR: Late Shri Rajiv Gandhi honoured the Andhra Pradesh Legislative Council Resolution, he honoured and he immediately gave the clearance. Now, these people are insulting the sentiments of Shri Rajiv Gandhi and are going for the Council. ...(*Interruptions*)...

THE VICE CHAIRMAN (SHRI DINESH TRIVEDI): Mr. Reddy, please carry on ....(*Interruptions*). . Please carry on. ...(*Interruptions*)...

SHRI V. NARAYANASAMY (Pondicherry): You did not do it. ...(*Interruptions*)... Now, we are doing it. Why are you opposing it? (*Interruptions*)...

DR. T. SUBBARAMI REDDY: Rajkumarji did not understand my logic. He has become confused. ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI DINESH TRIVEDI): Please don't get derailed. You carry on with your speech.

DR. T. SUBBARAMI REDDY: I have no papers to read. He has broken my system.

THE VICE-CHAIRMAN (SHRI DINESH TRIVEDI): I told you, don't get deralied. ...*(Interruptions)*...

DR. T. SUBBARAMI REDDY: In 1990, again unanimously or in majority, the Legislative Assembly passed the resolution to have a Legislative Council. It came to Rajya Sabha. At that time, CPI(M) leader, Mr. Hanumantharao said that even in principle, their Party opposed, but he respected the Resolution passed by Legislative Assembly. Like that, people in their heart of hearts, they have to respect the Resolution passed by majority in the Andhra Pradesh Assembly. Therefore like that....*(Interruptions)*... it was majority, whether unanimous or not.

THE VICE-CHAIRMAN (SHRI DINESH TRIVEDI): Mr. Reddy, you don't have to answer everyone. Please, carry on with your speech.

DR. T. SUBBARAMI REDDY: Then, Sir, some people say that expenditure will be more. The Budget of such a big State is in thousands of crores and it costs three crores for the maintenance of democracy and democratic values, which is very important. Some people argue that Members of Legislative Council have no right to vote and it is only an advisory body. That is also not a correct argument. Legislative Council would be giving voice to the people of Andhra Pradesh. Whatever people feel, Members have the right to express. They also have right to media. People's views will be transmitted through the Legislative Council. Even though they may not have the voting right, yet the role of Legislative Council would be very important, constructive and going to be crucial in the building of Andhra Pradesh. Another argument is that in some States, it has been abolished and in some States, it is not there. As I have already said, it is not there in some States, we don't count. But, we cannot compare a State with another. Each State has got its own thinking, its own sovereignty, its own strategy, its own concept, its own planning and all these things. Therefore, we have seen the pulse of the

people. They are comparing the period of 1957 to 1984 with 1985 to 2004. From 1985 to 2004, they found that State Legislative Council is very very important. So, from all these angles, we have to support the Bill. Our CPM friend, Mr. Madhu, in his heart of heart also, is fond of this Bill, but somehow, on the principles of Party, he is opposing it...*(Interruptions)*

THE VICE-CHAIRMAN (SHRI DINESH TRIVEDI): Nice to know that you have some X-ray machine to see his heart.

DR. T. SUBBARAMI REDDY: Now, Sir, from all angles, we have to honour the Constitutional right of the Andhra Assembly majority to have this Legislative Council. Since it has been passed by Lok Sabha by majority, in Rajya Sabha also, all of us must support this Bill. It is going to be very important thing for the people of Andhra Pradesh. With these words, I once again support the Bill.

THE VICE-CHAIRMAN (SHRI DINESH TRIVEDI): Shri P.G. Narayanan...*(Interruptions)*. Very soon, we will know whether he supports the Bill or not. Mr. Narayanan, please, carry on.

SHRI P.G. NARAYANAN (Tamil Nadu): Sir, I oppose the Bill. I submit that Legislative Councils in the States serve no purpose at all. Really, it has no power to approve or reject any Bill. There is no use of Legislative Councils in the States. At present, only five States have Legislative Councils. It is waste of money. That is why our revered leader, *Dr. Puratchi Thalaivar MGR* abolished this Legislative Council in Tamil Nadu. Then, NTR followed it in Andhra Pradesh. Sir, the Legislative Council cannot be compared with Rajya Sabha which has specific powers.

SHRI N. JOTHI (Tamil Nadu): It is a constitutional entity.

SHRI P.G. NARAYANAN: Yes, yes. Once the Legislative Council is abolished, it cannot be revived again. It goes against the law. I appeal to the Government to withdraw this Bill.

With these few words, I thank you for having given me the opportunity to speak on this Bill.

SHRI RAVULA CHANDRA SEKAR REDDY (Andhra Pradesh): Mr. Vice Chairman, Sir, I rise to oppose the Bill. Sir, my opposition is not

merely...*(Interruptions)*... Sir, it is not a Bill to establish but it is only revival of the Council that was abolished way back in 1985, on 1st June, 1985. Twenty, years back, the Council was abolished.

The hon. Minister while presenting the Bill has not given any justifiable reason for reviving the Council. Sir, even the Statement of Objects and Reasons also does not contain any justifiable reason for reviving the Council. To my mind, the only reason for reviving the Council is that since we abolished it and they want to undo the things done under the TDP regime and under N.T. Rama Rao's regime.

Sir, I would like to mention here that the argument given was that it is a resolution of the Andhra Pradesh Legislative Assembly. Sir, I agree that it is a majority resolution. As if there are no other resolutions from the State of Andhra Pradesh, the Government is now bent upon to bring this Bill. I would like to remind the Government that there are two unanimous resolutions. This is a majority resolution; There are two unanimous resolutions. I would like to remind Mr. Jairam Ramesh also about his promise made earlier in this august House regarding... *(Interruptions)* He represents Andhra Pradesh. Though he is from Karnataka, he represents Andhra Pradesh. Sir, I would like to mention that Mr. Dipankar Mukherjee is also interested in Andhra, and, he worked for seven years. We are happy to know that. Sir, my contention is that there are two other resolutions, unanimous resolutions passed by the Legislature of Andhra Pradesh. First is the Categorisation of Scheduled Castes into A, B, C and D. That has been kept in dark, rather in cold storage. There is another unanimous resolution. We have a 3-tier system with five functionaries in Panchayati Raj. It has ruined the very system itself. There is conflict of interests, there is contradiction, confusion and everything is there. We wanted that the 3-tier system should have three functionaries, and, a unanimous resolution was sent to the Government of India, and, having prepared the Bill, having assured the State Chief Minister, having assured the Minister for Panchayati Raj, the then Minister, Mr. Madhav Reddy, the Bill did not see the light of day. So, it is also kept in cold storage.

Now, the argument of the Government is that because it is the Resolution of the Andhra Pradesh Legislative Assembly, we want to revive the Council. I want you to remind about those two earlier resolutions, unanimous resolutions. The third one is an important

resolution regarding IIT at Basra. That was also a unanimous resolution, supported by Congress Pary, BJP and all parties but that resolution was not taken care of.

Now, here is a peculiar situation, Sit. The parties which are opposing the Government are supporting the Bill, and, parties which are supporting the Government are opposing the Bill. Sir, it is a peculiar situation. Sir, I want to caution...*(Interruptions)*

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF INFORMATION AND BROADCASTING (SHRI PRIYARANJAN DASMUNSI): It is the real test of democracy. *(Interrutions)*

SHRI RAVULA CHANDRA SEKAR REDDY: Sir, I am coming to the mockery of the demcracy also. Sir, it is convenience of democracy. It is nothing but mockery of democracy. They want to sustain, in the Government, with the help of Left parties, and, they want to get the Bills passed with the help of BJP. Is it not double standards, Sir? It is definitely double standards. You want to sustain and remain in the Government with the help of Left parties who are opposing it in toto; they are opposing it tooth and nail and they voted against the Bill in Lok Sabha. And, here also, they are opposing. You want to get the Bill passed with the help of those people who are opposing your Government itself. ...*(Interruptions)*... Sir, right from the beginning, we have been saying that we were never a part of the Government. We were only extending issue-based support. We were outside the NDA. ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI DINESH TRIVEDI): Mr. Reddy, you don't have to reply to them. You kindly address the Chair and continue.

SHRI RAVULA CHANDRA SEKAR REDDY: Thank you, Sir. I would like to caution the Left parties that this is the attitude of the Congress Party. This is the attitude of the Congress Party. Be careful about the attitude and behaviour of the Congress Party. They will leave you at any time. If they get majority without Left parties, they are not going to listen to you. As a well-wisher of the Left parties, who are really striving hard for the upliftment of the down-trodden and the poor, I caution you that it is a game of the Congress Party. ...*(Interruptions)*...

DR. T. SUBBARAMI REDDY: Why are you. ...*(Interruptions)*...

SHRI RAVULA CHANDRA SEKAR REDDY: Sir, the argument of my good friend from Andhra Pradesh ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI DINESH TRIVEDI): You don't have much time. So, kindly stick to the subject and conclude. We have got three speakers and you have only four minutes. Please conclude.

SHRI RAVULA CHANDRA SEKAR REDDY: Sir, the hon. Member from the Congress Party from Andhra Pradesh was saying that they have fulfilled all the common man in the State during the election time. They have ignored all the things. I will cite two instances wherein they have promised Rs. 225 pension for the old people every month. They were going to send the money through money order. I do not know whether money order forms are available in the country or not. The other one is, one free bulb to every household in the State. I do not know what happened to that. But, they are interested in the Legislative Council Bill. They want to rehabilitate the so-called intellectuals of the Congress Party in the Council. They have already started inducting them into the Government by way of Advisers to the Government. I am told that there are 10 to 11 advisers who are intellectuals. They can accommodate them by way of Advisers or doing something like that. There are selectors, collectors and many others in the Government. They can do it. But, in the name of intellectuals, they want to bring this Council. I want to remind them that there are about 196 graduates in the 294-Member Assembly of Andhra Pradesh, wherein, 26 per cent Members are professionals. The very purpose of constituting the Council earlier was different. Since the people from all walks of life were not getting elected to the Assembly, they wanted to have a Council. Now, the scenario has entirely changed. In the present scenario, people like, teachers, doctors, lecturers, lawyers are coming into the Assembly as well as the Parliament. We cannot compare Rajya Sabha with the Council. Rajya Sabha is created by virtue of our Constitution and Councils are there only in four States, Bihar, Maharashtra, Uttar Pradesh and Jammu and Kashmir, apart from Karnataka. I would like to remind my friends from the BJP that all the BJP-ruled States do not have Councils, like Gujarat, Madhya Pradesh, Rajasthan and other States. The comparison of Rajya Sabha with the Council is ill-informed.

(MR. CHAIRMAN in the Chair)

I would like to take only two minutes. Sir... Sir, the other point is regarding the local bodies. As I have earlier stated, they have spoiled the entire local party system. The Panchayati Raj system is totally collapsed by virtue of the acts of the Government of India. In spite of the unanimous Resolution, they did not bother to bring that Resolution in the House. In view of all these things, we are opposing the Bill. Once again, I would say that the very purpose of bringing the Bill is to rehabilitate their so-called intellectuals in the Council. And, Sir, the Resolution of the 1985 Assembly was taken into cosideration. The Article 169 (1)(2)(3), which was cited, is of different footing. If the Council is not there, they can create it. Once it was there and it was abolished. It is a revival of the Council. So, I am afraid, Article 169 (1)(2)93) does not apply to the present Bill. In view of these reasons, I would like to oppose the Bill. I am also pressing for division at the time of passing of the Bill.

श्री नंदी येल्लैया (आंध्र प्रदेश): माननीय सभापति महोदय, मैं आंध्र प्रदेश की लेजिस्लेटिव काउन्सिल बिल 2005 का समर्थन करने के लिए खड़ा हुआ हूं। अभी हमारे बहुत से माननीय सदस्यों ने कई प्रकार के विचारों को रखा है। आप तो जानते हैं कि काउन्सिल के बारे में हमारे मार्क्सवादी कम्युनिस्ट पार्टी के सदस्य श्री मधु ने कहा कि इसकी जरूरत नहीं है और यहां तक भी कहा कि यह वेस्टेज ऑफ एक्सपेंडीचर है, लेकिन, माननीय सभापति महोदय, काउन्सिल का खुलना कोई नई बात तो नहीं है। इसके पहले भी यह काउंसिल आन्ध्र प्रदेश में बनी थी। उत्तर प्रदेश, कर्नाटक इत्यादि बहुत से बड़े राज्यों में काउंसिल काम कर रहा है, लेकिन कुछ लोगों को यह गलतफहमी है कि कांग्रेस वाले इसे पॉलिटिकल इम्प्लॉइमेंट के लिए खोल रहे हैं। विधान परिषद के 90 सदस्यों में से विधान सभा से हमारे केवल 19 सदस्य होंगे, बाकी सदस्य म्यूनिसिपल कॉर्पोरेशन से हैं, ग्रेजुएट्स हैं और नगर पंचायत से हैं। जिनका पार्टिसिपेशन विधान सभा में नहीं है और जो विधान सभा में नहीं आ सकते, उन सब लोगों का भी इसमें रहना जरूरी है, इसलिए मैं समझता हूं कि यह काउन्सिल अवश्य होनी चाहिए।

दूसरी बात मैं यह कहना चाहता हूं कि बाबा साहब भीमराव अम्बेडकर ने संविधान में यह प्रावधान रखा कि अपर हाउस एवं लोअर हाउस, दोनों का ही रहना जरूरी है और हमारे संविधान में इसका प्रावधान है। आन्ध्र प्रदेश के अन्दर नौ वर्ष तक टीडीपी की सरकार रही, उसके बाद श्री एन॰टी॰ रामाराव जी के चीफ मिनिस्टर बनने के बाद...(व्यवधान)...

डा॰ अलादी पी॰ राजकुमार: उससे पहले ...(व्यवधान)...

श्री नंदी येल्लैया: नहीं, उसके बाद उन्होंने उस काउन्सिल को बरखास्त कर दिया क्योंकि एन॰टी॰आर जी पहले फिल्म इंडस्ट्री के अन्दर थे, इसलिए सियासत में उनको कोई तजुर्बा नहीं था

और इसीलिए उनके पावर में आते ही काउन्सिल को बर्खास्त कर दिया गया। हमारे राज्य के जो फाइनेन्स मिनिस्टर हैं श्री रोशैय्या साहब, वे उस समय यहां की काउन्सिल में विपक्ष के एक नेता थे, मैं श्री रामाराव साहब की कद्र करता हूं ...(व्यवधान)...

डा॰ अलादी पी॰ राजकुमार: आप जानते हैं कि ...(व्यवधान)...

श्री सभापति: आप छोड़िए, छोड़िएं ...(व्यवधान)...

श्री नंदी येल्लैया: रामराव जी ने काउन्सिल जारी रखने की रोशैय्या जी की दलीलों को फेस नहीं किया क्योंकि उन्हें पॉलिटिक्स का तजुर्बा नहीं था। वह इस बात को नहीं जानते थे कि उन्हें कैसे फेस किया जाए और इसीलिए उन्होंने काउन्सिल को भंग कर दिया।

सभापति महोदय, विधान सभा चुनाव से पहले हमारे नेता डा॰ राजशेखर रेड्डी जी ने एक वायदा किया था काउन्सिल बनाने का आपने वह गाना सुना होगा ''जो वादा किया वो निभाना पड़ेगा'', इसलिए जो वादा किया हमें उसे निभाना पड़ेगा। चुनाव के वक्त जिस समय हम जनता के पास गए, उस समय वहां पर बहुत सारी समस्याएं थीं, किसानों की समस्या थी, दलितों की समस्या थी, मकानों की समस्या थी। काउन्सिल में, जहां पर पंचायती राज के अन्दर टीचर्स हैं, स्नातक हैं, एजुकेशनिस्ट्स हैं, उन तमाम लोगों ने विधान सभा के पुनर्गठन के लिए प्रार्थना की इसीलिए हमने उनसे यह वायदा किया और जब वायदा किया है तो निभाना पड़ेगा, इसलिए वहां पर काउन्सिल का होना जरूरी है। मैं इसीलिए ...(व्यवधान)...

डा॰ अलादी पी॰ राजकुमार: आपने तो 152 वायदे किए और उन्हें साइड में रख दिया और यह पहली बार आई है जब रिज़र्वेशन ...(व्यवधान)...

श्री नंदी येल्लैया: सुनिए, सुनिए पार्लियामेंटरी डेमोक्रेसी में बहुत सी बातें होती हैं ...(व्यवधान)...

डा॰ अलादी पी॰ राजकुमार: अभी आपने सही बोला है ...(व्यवधान)...

श्री नंदी येल्लैया: धीरे-धीरे सभी बातों को पूरा किया जाता है...(व्यवधान) काउन्सिल के अलावा किसानों के बारे में भी कांग्रेस पार्टी ने पावर में आने के बाद काम किया और इरीगेशन प्रोजेक्ट्स पर भी शानदार काम किया। आज एक बहुत बड़ी मांग तेलंगाना के बारे में हो रही है, लेकिन हमने पावर में आने के बाद...(व्यवधान)...

डा॰ अलादी पी॰ राजकुमार: हर रोज़ कितनी रिश्वतें ली जा रही हैं, यह तो आपको मालूम ही होगा।

श्री सभापति: आप बीच में डिस्टर्ब मत कीजिए।

श्री नंदी येल्लैया: आप सुनिए, तेलंगाना के अन्दर बहुत से इरिगेशन प्रोजेक्ट्स को मंजूर किया गया है ...(**व्यवधान**)... लेकिन आपके जमाने में इरिगेशन प्रोजेक्ट को इग्नोर किया गया। इसलिए तेलंगाना का मसला आया। सभापति महोदय,मैं आपसे कहना चाहता हूं कि हमारे बाबासाहेब डा॰ अम्बेडकर कंस्टीट्यूशन के आथारिटी थे, उन्होंने कहा, जैसा कि आपको भी मालूम होगा कि इस सदन में एक वरिष्ठ नेता अटल बिहारी वाजपेयी और आपके आडवाणी जी लम्बे समय तक राज्य सभा में रहे हैं। इसलिए अपर हाउस नहीं हो, ऐसा कहना गलत है। इसलिए मैंने ...(**व्यवधान**)...

DR. ALLADI P. RAJKUMAR: Sir, he is misguiding....(*Interruptions*)...

MR CHAIRMAN: Let him speak. Please don't disturb.

DR, ALLADI P. RAJKUMAR: Sir, I want to clarify that he is misguiding....*(Interruptions)*...

श्री नंदी येल्लैया: मैं आपके लिए नहीं बोल रहा हूं, हमारे एक माननीय सदस्य भी फर्स्ट टाइम राज्य सभा में आए...(**व्यवधान**)...

डा॰ अलादी पी॰ राजकुमार: आपने यह बोला कि राजीव गांधी...(**व्यवधान**)...

श्री सभापति: अब आप इसको छोड़िए।...(**व्यवधान**)...

श्री नंदी येल्लैया: सभापति महोदय, मेरा अनुरोध है कि जब उस वक्त राजीव गांधी जी प्रधानमंत्री थे, वहां पर इस विधान परिषद का विरोध किया गया, चाहते तो केन्द्र से इसमें कुछ रुकावट हो सकती थी। लेकिन स्वर्गीय राजीव गांधी जी ने बहुमत का ख्याल रख करके उस समय की विधान सभा के फैसले को मान लिया। तो जो एक्सपेंडीचर की बात कही जा रही है, यहां पर नाइंटी कांग्रेस के नहीं हैं, भिन्न-भिन्न प्रकार के सेक्टर के लोगों को वहां पर मौका दिया जाता है। आप तो जानते हैं कि विधान सभा के लिए हर एक आदमी के बस की बात नहीं है चुनाव में लड़ना। बहुत से साइंटिस्ट हैं, कलाकार हैं, 12 टेलेंटिड लोगों को गवर्नर द्वारा नॉमिनेट किया जाता है, लोकल बॉडी से भी लोग आते हैं। इसीलिए पार्लियामेंट्री डेमोक्रेसी में ऐसे लोगों के लिए की एक बाडी होनी चाहिए क्योंकि अगर विधान सभा से काउन्सिल के लिए कोई बिल आता है तो काउन्सिल में भी लोगों की रुचि हो सकती है। सभापति महोदय, काफी दिनों के बाद विधान सभा में यह बिल पास हुआ। यह लोगों की मांग है। काउन्सिल का होना लाजमी है, क्योंकि यह आपके कर्नाटक में भी है और जहां नहीं बनी है वहां भी काउन्सिल बननी चाहिए। इसलिए सभापति महोदय, मैं इस बिल का तहे दिल से पूरी तरह समर्थन करते हुए मैं अपना भाषण समाप्त करता हूं। धन्यवाद।

प्रो॰ राम देव भंडारी (बिहार): माननीय सभापति जी, यह विधेयक आंध्र प्रदेश में विधान परिषद गठन करने के संबंध में है। एक प्रस्ताव आया आंध्र प्रदेश विधान सभा से कि आंध्र प्रदेश में विधान परिषद का गठन किया जाए। 1985 तक आंध्र प्रदेश में विधान परिषद कार्य कर रही थी। महोदय, मैं इस बिल का समर्थन करने के लिए खड़ा हुआ हूं। महोदय, मैं इसलिए समर्थन करने के लिए खड़ा हुआ हूं कि जो विधान सभा है, लोक सभा है उसमें जो माननीय सदस्य चुनकर आते हैं, आमतौर पर वे सक्रिय राजनीति में होते हैं, जिनको होल टाइमर कहा जाता है। मगर समाज में ऐसे बहुत से क्षेत्र हैं, जहां एक से एक विशिष्ट व्यक्तित्व हैं और उन्हें अवसर नहीं मिलता है कि वे विधान सभा और लोक सभा में जाएं। आजकल चुनाव लड़ना भी बहुत कठिन काम है। ऐसे जो व्यक्तित्व हैं तो समाज सेवा में लगे हैं, इतना ही नहीं वे कला, विज्ञान, शिक्षा, स्वास्थ्य इन सब क्षेत्रों में अपनी सेवाएं दे रहे हैं, अपने राज्य को अपने देश को, तो उन्हें भी विधान परिषद या राज्य सभा में जाने का अवसर मिले, इसके लिए विधान परिषद का गठन किया जाता है। कई राज्यों में विधान परिषद हैं। विधान परिषद में भी कई क्षेत्रों से चुनाव लड़कर आते हैं, जैसे ग्रेज्युएट कंस्टीट्यूंशी है, टीचर्स कंस्टीट्यूंसी है, लोकल बॉडी है एसेम्बली से चुनकर आते हैं और राज्यपाल के द्वारा सदस्यों का नामांकन होता है। जो अपने-अपने क्षेत्रों के विशिष्ट व्यक्तित्व होते हैं, जिनका बड़ा योगदान होता है।

महोदय, राज्य सभा में, जब पहले चुनाव होता था, तो secret ballot की व्यवस्था थी। फिर कानून बनाया गया और अब open ballot होता है, इसलिए कि जो निर्दलीय उम्मीदवार होते थे, वे जीतकर चले आते थे और जो पार्टी के उम्मीदवार होते थे, वे चुनाव हार जाते थे।

श्री सभापति: वे कैसे जीतते थे?

प्रो॰ राम देव भंडारी: महोदय, उस समय राष्ट्रीय जनता दल की ओर से कहा था कि विधान परिषद् में जो मैंबर असेंबली से चुनकर आते हैं, उसमें भी यही व्यवस्था लागू होनी चाहिए। हम सभी जानते हैं कि चुनाव के समय में, जब secret ballot की व्यवस्था होती है, उसमें किस तरह से वोटों की बिक्री होती है, इसलिए मैं माननीय मंत्री जी से अनुरोध करूंगा कि जो सदस्य असेंबली द्वारा काउंसिल में चुनकर आते हैं, उनके लिए भी कानून बनाना चाहिए कि इसी प्रकार की व्यवस्था हो।

महोदय, देश या राज्य में जो विशिष्ट व्यक्तित्व होते हैं, उनका सम्मान करना राज्य का दायित्व है, देश का भी दायित्व है। अभी मधु जी कह रहे थे कि जो राजनीतिक नेता unemployed होते हैं, उनको employment देने के लिए प्रावधान किया जाता है। ऐसी बात नहीं है। लोक सभा में हार जाते हैं, तो राज्य सभा में आते हैं, बहुत सारे ऐसे मैम्बर्स हैं। वहां भी सभी नहीं, कुछ लोगों को तो निश्चित रूप से, जो पार्टी में प्रभावशाली व्यक्ति होते हैं, प्रभावशाली नेता होते हैं,

वे अगर असेंबली हार जाते हैं तो उनको काउंसिल में adjust किया जाता है, मगर इसके अतिरिक्त कई क्षेत्र हैं, जैसे टीचर्स को मौका नहीं मिलता है आने का, जो अपने-अपने क्षेत्रों में विशिष्ट व्यक्ति होते हैं, उनको आने का मौका नहीं मिलता है। इसलिए इन सभी क्षेत्रों से आने का मौका विधान परिषद् में मिलता है। इस तरह से वे अपने क्षेत्रों में तो सेवा करते ही रहते हैं, इस माध्यम से राज्य की सेवा करने का उन्हें और व्यापक आधार मिलता है। मैं इस बिल का समर्थन करता हूं, आंध्र प्रदेश में विधान परिषद् का गठन होना चाहिए। आपने मुझे समय दिया, इसके लिए बहुत-बहुत धन्यवाद।

SHRI N.K. PREMACHANDRAN (Kerala): Mr. Chairman, Sir, on behalf of my party, the Revolutionary Socialist Party, I strongly oppose this Bill. Sir, when I oppose this Bill, normally, a logical question can be asked whether it is proper for a Member who is representing the Upper House of Parliament, to oppose the constitution of a second bicameral legislature or a second legislative chamber in the State Assembly, for which the first speaker, Comrade Madhu, has already spoken here that

[THE VICE-CHAIRMAN (SHRI DINESH TRIVEDI) in the Chair]

this Upper House exists because of the bicameral legislative system of Indian Parliament; ours is a federal Constitution. In order to protect the 'federal' characteristics of the Indian Constitution, the bicameral legislative system is being adopted. That is why, Rajya Sabha is being termed as 'The Council of States'. But what about the State Legislature? I want to know whether the Council that is going to be formed or revived in Andhra Pradesh, will be, according to this Legislation, termed as 'The Council of Districts'. It shall never be termed as 'The Council of Districts' or 'The Council of District Panchayats' of a particular State, Andhra Pradesh. That is why, in order to protect the 'federal' nature of the Indian Constitution, we have adopted the Council of States and the Council of People. And that experience is going on. Many defects regarding elections are there. We have revived the electoral process. The right of secret ballot has already been taken away. There are still so many difficulties. On the basis of the experience which we have gained during the last 55 years of our Independence, many States in India have abolished this bicameral legislative system. Punjab is a clear example of it. Punjab is a State which is governed by the ruling party, that is, the Indian National Congress. Why is the Government or the Congress Party not taking a

policy so that we can have a bicameral legislative system in all the States? Is it the policy of the Indian National Congress? Is the Congress having a consistent policy that all the States should have a bicameral legislative system or have two Houses, the Council as well as the Assembly? I don't think that the Congress is having such a national policy. If the Congress is having such a national policy, definitely, the State of Punjab should have such a bicameral legislative system. As far as my party is concerned—the CPM has already expressed its views—we should have a uniform national policy in respect of the State legislative system.

That being the case, what about the BJP? I think, the BJP is also supporting this Bill. Then, what about the BJP-ruled States? That is my question. We should have a consistent policy in respect of the State legislative system. These are all national parties. The TDP is strongly opposing it. The TDP is opposing it because the Council was abolished when it was ruling the State. If we don't have a uniform policy in respect of this matter, what will happen? I am raising another eventuality in future. Suppose in the next elections, the Congress loses the election and the TDP or some other party comes to power. What will happen? It will abolish it. What will be the fate of our democracy in the States? That is why I am suggesting that it is not on the basis of a unanimous resolution passed by the State Legislature. There was a different view. There should be, at least, some political consensus in these matters. In this case of Andhra Pradesh Legislative Council, there was a voting. I still feel that there is a strong opposition to it. I do accept that, whether there is a different view or not, if there is a majority opinion, we have to honour the sentiments of the State Legislative Assembly. By all means, I do admit that. But what will happen after five years? Suppose another party having majority comes to power, it will abolish it. Then, it will be a political game. Constitute the Council and abolish it, and again constitute it and abolish it. So, this is a very important, significant, matter in respect of the Indian democracy. It shall not be taken on the basis of political bias or political considerations. Ours is a democratic system. It is a basic feature of the Indian democratic system, the Indian system of governance. So, please don't take a decision on the basis of political bias or political considerations. We should have a uniform opinion so as to reach a uniform policy in respect of the State legislative system.

Coming to the point regarding fiscal liability, according to my knowledge, the annual expenditure on the reconstitution or the revival of the Council is about Rs. 150 crores. We are now living in an era of fiscal reforms. I fully appreciate the hon. Prime Minister of this country, who is trying to cut down the expenditure and taking so many measures to contain unnecessary expenditure in respect of our administrative system. When a State like Andhra Pradesh is suffering from floods and cyclones, where farmers are committing suicides and where so many other significant issues are there, and we are not able to address those problems, we are going to spend Rs. 150 crores per year for reviving the State Legislative Council. What is the meaning of it? What is the logic of it? I can't understand. If the Government and the Congress Party are very much interested in bringing democracy in a better way, what about our Panchayati Raj institutions? We have passed the Seventy-Third and the Seventy-Fourth Constitutional Amendments. As a result of that, the Panchayati Raj institutions and the Local Self-Governments have become part and parcel of the Indian Constitution. It is mandatory on the part of the States to conduct elections after every five years to have local bodies in a proper way. Even now in States like Pondicherry, we are not able to conduct elections. Why? As per Article 356 of the Constitution, definitely, the constitutional machinery of this particular State has collapsed in this case because the system of administration and the grassroot level democracy are not working there. My submission is—it maybe an election promise—although it is an election promise, there should have been some consensus so as to have this system which is having a very high financial burden on the Government at that too at a time when the Government is facing a very severe financial crisis. At this stage, the revival of a separate Council for the State is not required. It cannot be justified in any terms. Therefore, I oppose this Bill. Thank you.

SHRI M. VENKAIAH NAIDU (Karnataka): Mr. Vice-Chairman, Sir, I rise to support this Bill. Let me make it very clear, at the outset, that there can be two views on this. Both the cases can be argued in a better manner, in an effective manner, *i.e.* in favour of creation of an Upper House and in favour of having only one House. That is why I am not going deep into it. The point is very simple. So far as the BJP is concerned, we have discussed this issue in depth and we came to the

2 P.M.

conclusion that the framers of the Constitution, at that time, according to their own wisdom, have provided a provision for the creation of an Upper House. Whenever the particular State makes a recommendation, the Parliament approves it. During the debate in the Constituent Assembly, even Dr. Ambedkar opined that this should be left to the wisdom of the States. Now we have a situation in the country and people also say that in BJP-ruled States like Jharkhand, Chhattisgarh, Rajasthan and even Orissa where we have a partner and in other States also, this particular House is not there. It is a fact. Nobody can deny it. At the same time, our stand is very clear that if a particular State wants to have a bicameral legislature; if the State's finances permit it' if there is a broad acceptance of the same within the State, and if a resolution has been passed, the Parliament, in its wisdom, should approve it. This has been our stand.

2 P.M.

Coming to the case of Andhra Pradesh, Sir, there was a Legislative Council. This Legislative Council was abolished during the regime of Late Shri N.T. Rama Rao. We were friendly parties at that time. In spite of being friendly parties, we had opposed the abolition of the Council, at that time because it was serving a useful purpose. If you debate about 'useful purpose', then people can debate about overall functioning of the Parliament. Simply because something happens in Parliament; sometimes, there is an obstruction; sometimes, there is walk-out or breakout or even knockout also, can we say that the Parliament is not serving any purpose? If you go and talk to the ordinary people, some people may opine like this. What is this happening? 'No work but full pay'. This sort of argument can also be given. My point of submission is that this particular Legislature was created keeping in view the need to have an Upper House where people, without taking into account the day-today politics and without taking into account the populist approach, can rise above it and discuss the issues in a threadbare manner and in a much more matured manner. I am not trying to say that the Lower House has no maturity. Every House, in its wisdom, has its own maturity. It is for the people, finally, to judge it. Here you have wide sections of people who are representing various interests. We have teacher's nominees. We have graduate's nominees. We have nominees from the

local bodies. We have a provision for nomination of twelve experts from various fields. That being the case, whether the nominations are made properly or not, that has to be scrutinised, discussed and debated. You have to create a public opinion. There are cases when experts from different walks of life have been nominated to this House. Even in our own House, the Upper House, we see legal luminaries, scientists and people from different walks of life, including artists of great eminence who have been nominated. And we are always benefited by their contributions to this House on a variety of matters because they don't have the compulsion of going to the electorate and having to face elections once in five years or in between also, like the Lower House. So, in the Upper House, you have the flexibility; you have the scope; you have that option. Now, in this federal set up, where we have the Upper House and the Lower House, the people from all the States elect the Members to the Lok Sabha. Each State is represented in Parliament, in the Lok Sabha. All the States, including the Union Territories, are represented by members elected directly by the people. If you go by that logic, then, what is the necessity to have the same States send some other people to the Upper House to work for their cause? This can also be argued. But we are seeing today that different situations are arising. It is a fact that often political parties are tempted to nominate people who have been defeated. But can we have a consensus that we will not nominate any such people who have been defeated in elections, at least for that particular period? That is another debating point. We even have a Prime Minister who belongs to the Upper House. Earlier also there were occasions when the Prime Minister was from the Upper House. The Home Minister had been a Member of the Upper House. This is another issue. The political parties should ponder over, introspect and discuss this issue and then come to certain conclusions. But simply because some persons, who have been defeated in elections, are getting nominated or elected to the Upper House, we cannot call it a back-door method; I am not using that language. The Constitutional-framers, in their collective wisdom, have discussed it in depth and gave this scope to the States to have another legislature so that this House gets represented by various sections of the society, and then, the interests of those sections are highlighted. Often we see, from our experience, that in the Lok Sabha, the discussion is more on the burning problems of the people. I do agree because they are directly connected to the

people. But there are certain issues which do not get proper attention because their number is small; they are not that much organised and they are also not well represented. That being the case, in the Upper House, you have an opportunity to discuss and focus your attention on these aspects also in a more meaningful manner. But if you question as to what the depth is of the debate that is going on, it is the people who decide who should run the Government. If they elect and send the right persons to the Lok Sabha or the Legislative Assemblies, then, they will get that much response from those gentlemen. So, it is this awareness among people and the accountability factor that always work in favour of strengthening the system, be it a bicameral legislature or a single House set up. So, as I said in the beginning, this argument can be both ways.

Coming to the situation of Andhra Pradesh, to say that it will be a very big expenditure for the State, I don't agree with that argument. Any expenditure is expenditure. The increase of salaries of Members of Parliament is expenditure. Can you increase the salaries of Members of Parliament when there is drought, or, when there are floods or there are other natural calamities in various States? If you take the public opinion on it, the people will say 'No' to it. That will be the response of the people. So, we cannot go by that argument. When we look at the State of Andhra Pradesh or the States of Karnataka, Uttar Pradesh, Bihar and others, where there is bicameral legislature. I don't think their experience is bad. Of course, one would agree that there is an overall deterioration in the functioning of Parliament or Legislature as such. But you cannot attribute it to the functioning of the Members in a particular House. Moreover, educated persons and persons with maturity are coming to the Upper House. As I have seen myself in Andhra Pradesh, sometimes they want to hurry up the business in the Legislature; sometimes the House is obstructed. At times it is very painful when we see good legislation being stopped by the Lower House, and we have to debate and discuss it all over again. Of ccurse, this is the beauty of democracy. This is the system one has to undergo. For the sake of the larger interests of the people, one has to undergo such small pains. Simply because certain situations have been created and you start abolishing the system, then, what will happen? Another point was raised that if tomorrow some other Government comes, and they undo it, then, what will happen? Of

course, that scope is there. I am not denying that. Earlier also it was done. For that also we have to find a way. Let us discuss it in a collective manner with all the wisdom that we have gained over the last 58 years since independence. Let there be a debate and then we should come to a conclusion. After that, if necessary, we can go in for a constitutional amendment. So on this question as to whether the Upper House is required or not, we should have a debate and only then we should come to a conclusion. And then, come to the conclusion. I am not saying anything against it or anything in its favour.

Now, in Andhra Pradesh, for the information of the House, accommodation for the Legislative Council is already there; the building exists; it was functioning earlier. It had been dissolved. So, you are not going to create any new infrastructure or have any additional financial burden, in the beginning itself. Numbers, yes! Numbers are going to be added. But the Legislative Council can be better restructured. The other interests can also be taken care of. You can also debate and discuss in the Legislative Assembly of Andhra Pradesh with the help of the Centre to have a proper representation and this is a better system of accommodating various sectional interests of the people. That could be a suggestion.

In the present case, the Legislative Assembly of Andhra Pradesh has made a recommendation for creation of the Council. There is a majority opinion in favour of creating the Legislative Council. So, one should not hesitate in supporting such a Bill. I think this will be useful, cutting across political lines. As I told you, Sir. this is not a political decision that we are taking. We have taken a decision earlier also, opposing the abolition of the Council that was already existing. Veteran people were there in the Legislative Council of Andhra Pradesh. I have knowledge about it myself. Many of my colleagues in the party, and also in public life, in Andhra Pradesh, had made very good contributions towards the functioning of the Legislative Council of Andhra Pradesh, taking up various issues, making in-depth studies of various Bills and rules and regulations that were made by the Legislative Assembly also from time to time. They made very good contribution.

We have to take into consideration the positive things. If you are looking into the negatives, negatives are there in other systems also.

This is what I have been trying to say right from the beginning. If you want to strengthen the system, strengthen democracy. The awareness level among the public has to be increased. We are seeing what is happening. The system today is under strain. The system is under challenge. The system is under scrutiny. You cannot simply brush it aside and say, "What is all this happening?" and all that. We have to learn from this experience. We have to provide the safeguards for the future. We have to discuss the experience that is before us. We have to discuss the various factors that have come to light.

We are seeing what is happening in the MPLADS now. The reaction to that is that it should be scrapped. There is an opinion also that many people are using it properly. So, these issues cannot be decided in a moment. You have to take a considered view about all these things. I have my own views about the MPLADS, about its desirability. But this is not the occasion to talk about that.

My only submission is that this bicameral legislature, in one way, is a good thing. We can give it some more time. We can have a trial and then, based on our experience, we can decide once for all whether we should have it or not. Then, the question is that now there are demands, for example, whether there should be a Legislative Council in Pondicherry. My friend, Narayanasamyji is sitting here. Similar demands may come from other States also. That is why you leave it to the collective wisdom of the State Legislature. ...*(Interruptions)*... Sir, it was my fortune that I was a Member of the Legislative Assembly at a comparatively young age. I used to listen to and watch the debates of the House. And I have no hesitation in saying this. I used to do one thing. I used to go to the Library and read what my senior colleagues had said during those days, from 1952 onwards, first in the Tamil Nadu Combined Assembly, and afterwards in the Andhra Assembly—and my senior colleagues like Shri Vishwanathan, Dr. Prakasam Pantulu, Shri Tirumala Nagi Reddy, Tiru Venkateshwarulu, Shri Ramulu....

SHRI V. NARAYANASAMY: Rajaji.

SHRI M. VENKAIAH NAIDU: Rajaji. Of course, I am a great fan of Rajaji. So, Sir, we used to observe all these things because both the Houses were running simultaneously. Sometimes, the same Bill used

to be discussed there. The discussion always used to be more enlightened and more knowledgeable. One was the age factor and the other was the experience. Thirdly, I used to observe teachers' representatives; I used to observe local bodies' representatives; I used to observe the people who were elected from Graduates' Constituencies. Well, in two or three districts, all the graduates had to be enrolled and amongst the graduates there used to be the election and the person who got the maximum number of votes was elected. So, sectional interests of graduates were represented there—of graduates, doctors, advocates, Chartered Accountants, engineers. People from various professions got enrolled as voters there. So, naturally, he has to go to those people again; he has to reflect their aspirations also. So, that is the better way of representing the interests of various sections across the society. In addition to representing the local bodies, we don't have a system now. Sir, the cry is, just now my friend has mentioned about our local bodies. Yes, it is a very serious issue. We in the Parliament and in the State Legislatures are more concerned about our rights, privileges and responsibilities rather than giving enough attention to the 73rd and the 74th Constitutional Amendments, and empowering those local bodies with the three Fs— funds, functions and also functionaries. Unless you transfer these three Fs to the local bodies, there cannot be meaningful democracy at the grass roots level. But, the question is, when you have their power with somebody till today, if you have to leave that power, and then transfer it to somebody else, it always faces obstacles. I have my own experience. I went to a place like Andaman and Nicobar where I reviewed as the Rural Development Minister. I found that all these powers were enjoyed by officers, collectors, the IAS people, I told them, "You are a Union Territory. There is a Government. There is Constitutional amendment. It is binding on you." If it is a State, then the State Government of different party, they have their own approach, etc. One can argue on that way. But, in a Union Territory also, there was initial resistance. They said, "Sir, if you give this much money to the local bodies. *Zila Parishad* Chairman as sanctioning authority, what will happen?" I said, "Nothing will happen." And, nothing has happened. Yes, they learn by experience. So, these objections are always raised. This objection was earlier raised with regard to women reservation also. They said, "No, no, women are not capable. There will be pachayati *patis*. How many *patis* are having normal knowledge to function in an

effective manner—the male members also? This sort of argument is not going to stand scrutiny. In the same way, the Legislative Council formation in Andhra Pradesh is not going to affect the public interest. On the other hand, I feel that better wisdom will prevail; more knowledgeable people will come. As I said, the ruling party, the Congress Party is bringing this Bill. There is a widespread talk about it. Then, there were some people who were saying why Venkaiah Naidu is supporting this Bill with all the experience? Sir, my point is very simple. Simply because the Congress proposes, we have to oppose and then, finally dispose. This is not the approach, if something which is to the liking of the people is done by any party, irrespective of political differences, we stand by that proposal and by that Bill only. It is not that I am supporting the Congress Party for charity, or, for friendship; that Bhardwajji has brought forward this Bill, if we don't support it, he may feel otherwise; so, we have to support it. We are not taking that approach. As I told you, when our beloved Telugu leader late N.T. Ramaraoji proposed that the Legislative Council be abolished, being a friendly party, we told him, "No, Sir, we don't agree with this proposal." That being the case, today, when the Parliament is discussing this Bill of creating a bicameral legislature for Andhra Pradesh, I have no hesitation in supporting the Bill. But, I only advise the ruling party that it should take care of the caution given by Members from various sides, including some of the supporting parties.

As far as nomination is concerned, there is a scope for nomination of 12 people. Nomination of those 12 people should, at least, be on the basis of merit, on the basis of the contribution they have made to various fields. Then, the criticism will die down and people will think that a better purpose is served. Otherwise, if you simply nominate those people who have lost an election in the recent past and make them represent the nominated interests, then, people will say that they have brought it to serve their political purpose and they are misusing these provisions for the sake of political purpose only. I am not here to advise the Governor. You know, Sir, in the parliamentary system, the Governor also goes by the advice of the State Cabinet. When the State Cabinet in its collective wisdom advises something to the Governor, then, he has to go by that advice. I appeal to the Andhra Pradesh Government to keep the larger interests of the State in mind, and the very purpose of creating the Legislative Council, then, go in for better nomination of people who have

respect and who have also made an outstanding contribution in their own fields in the State of Andhra Pradesh so that there is more maturity; there is more versatility and acceptance for the concept of Legislative Council in Andhra Pradesh. With regard to elections and all, if we need to discuss it, then, also change it. There is need for a change. I would like to tell the Government—I don't know whether the Union Law Ministry comes into the picture or not—that the Council constituencies have to be re-organised. The Law Minister, while responding, can enlighten us because there are places like graduate constituencies, for example, in Telangana, all the nine districts of the entire Telangana is divided into two constituencies. There are two coastal districts, Krishna and Guntoor, is one constituency. Two districts one representative! For nine districts only two representatives! So, the regional imbalance is there. How do you take care of it? Now that we are recreating the upper house, we have to address this issue also. The regional aspirations, sub-regional aspirations, social aspirations are now in the focus. That being the case, it is the duty of the Central and State Government to see to it that those regional and sub-regional aspirations are met; as we are going in for delimitation across the country, for both—the Parliament as well as Legislative Assemblies—it is time that we also reorganise and restructure the Legislative Councils wherever they are in vogue or wherever we are going to create one.

I think, if this can be done simultaneously it would be nice. I think, the Law Minister can give a better counsel to the State and then advise them to do a meaningful exercise and take everybody into confidence and then move forward.

Sir, I do not think there is any need for further debate or discussion from our side on this issue. I humbly submit to the House that we are there to support it because it is the wish of the people of the State; secondly, because there was already the Legislative Council existing which had been abolished; and thirdly, in conscience of our party-line — wherever a State comes forward with a recommendation and if there is a broad consensus, we shall support it, that is our approach—we are supporting this Bill. Thank you, Sir.

SHRI C. RAMACHANDRAIAH (Andhra Pradesh): Sir, as Mr. Venkaiah Naidu has rightly said, one can build up the argument either in favour or

against. Sir, I stand to oppose this Bill. I feel, it is a retrograde step and an unprecedented one. As far as my knowledge goes, till now, no Second Chamber in any State is rebuilt after it is dismantled. So, it is the first time. I do not know the exceptional circumstances in which the Treasury Benches are interested in passing this Bill.

Sir, it is not mandatory constitutionally and we cannot equate the Rajya Sabha with the Second Chamber in a State. Rajya Sabha has got a role to play. That type of a role is not there for a Second Chamber in a State. It has got some responsibilities. Of course, eminent persons can be nominated, we can hear the speeches of those eminent persons.

Elections are fought on party-lines. Ultimately an individual does not matter much in the democratic set up. It is the party, party's image, party's goodwill, people's confidence in the party which will decide elections. When such is the case, we, the political parties, why cannot we sponsor the people of eminence, people of character, keeping in mind their contribution to the society in various walks of lilfe, to the elected bodies? Why are we sponsoring criminals? Why are you sponsoring people with bad character? Why are you sponsoring industrialists who have amassed wealth with different bad motives, bad practices? Why are we doing it? No exception, we need not mention about any political party. I am generalising it. We have been doing everything according to our convenience? And we are trying to justify it.

I read one article wherein it is said, "Ambedkar said that creation of a council is the transitional provision of the Constitution". It is only in transition, not a permanent one. Where is the need for it now? We can argue that Rs. 150 crores is a pittance in a State's Budget. Very good. If that is a pittance, why should you go to other countries with a begging bowl to cater to the minimum needs of the people? That argument does not hold good. Our C.M. has said, of course, I am not authorised to mention, "it is to strengthen democracy". Very good. Till now, there are a number of States which do not have a council. Do you think democracy was not strengthened in those States? Are the States, which have got two chamber-system, performing well? To be frank with you, whether Bihar and UP are performing well? It, ultimately, depends on the political leadership. It is not a question of having two Chambers or one Chamber.

From 1985 to 2005 there was no Council in A.P., and nobody felt it necessary and nobody suffered in the absence of a Second Chamber. You can say that it is a commitment to the people. It is a commitment, I can say, to your cadre. This is the commitment given your cadre. During the election campaign, you had said, '14,000 posts would be created if we come to power. We will satisfy everybody.' That is the commitment to the cadre, not to the people. What are the exceptional circumstances that are prevailing to take a decision to revive this council now? What are those circumstances? Can you convince the people? It has been glorified that in spite of late Rajiv Gandhi—we respect him; he was a great leader—having a majority of 415 Members, he passed the Bill. He should have rejected the Bill. But, his Government accepted it. He was a great democrat.

I will tell you the bad experience that the Congress Party had when it dethroned Shri N.T. Rama Rao. The democracy was brought on the roads. We restored it. That has created jitters in your minds. It is not that you are democratic. You have accepted that. It is because you cannot face that situation once you reject a recommendation of the State. That was the capacity of Shri N.T. Rama Rao. That was the personality of Shri N.T. Rama Rao ...*(Interruptions)*... Let us talk about 1985 when it was dissolved. The more you interfere, the more time I will get and I will have more topics to touch. As my friend said, 'what is your policy?' You will have one policy for one State and different policy for different State. Why do you not to have two Chambers in all the States ruled by you? And, same is the case with my friends in BJP. Why cannot they have two Chambers in the States ruled by them? What is the utility of the Second Chamber? It is the need of the hour to debate and decide. There should be a uniform policy.

I have been hearing glorifying the democratic concepts and democratic spirits of the Congress Party. We know your democratic values when you had dethroned our great leader, Shri N.T. Rama Rao, who had enjoyed majority. You dethroned Shri N.T. Rama Rao when he had gone to the USA for an operation. We, the people, restored the democracy by coming to the roads. I will tell you, you have destroyed the democratic institutions in this country. And one argument has been developed that N.T. Rama Rao was so 'autocratic' that he cannot hear the criticism or dissent. He was a benevolent man. He was a benevolent

ruler this country has ever produced. People like us, came from ordinary families, have been picked up to the politics. That was the benevolence of great N.T. Rama Rao. You could not tolerate the bad distinction of imposing Emergency in this country, and you talk about the democratic spirit! You want to have a committed judiciary. That is the democratic spirit you have got. And, you try to glorify yourselves.

Some people say that it is a 'second eye.' What is this? Are we not functioning without a 'second eye' in the States? The States which does not have a Second Chamber are not having a 'second eye.' So, what is the necessity? How do you justify it? ...*(Interruptions)*...

SHRI RAJEEV SHUKLA (Uttar Pradesh)*:

THE VICE-CHAIRMAN (SHRI DINESH TRIVEDI): Nothing else is going on record ...*(Interruptions)*... Mr. Ramachandraiah, please, address the Chair.

SHRI C. RAMACHANDRAIAH: This is with a noble intention of giving representation to all walks of life. Why don't you sponsor people with good character? Why don't you give them tickets? I am talking about all the parties. Let us have some consensus and resolve that we will not sponsor the people with criminal record, with bad character. Let us resolve that we will not sponsor them. Then the State Assemblies will have good people. Lok Sabha will have good people. There we are compromising. And, now, we are trying to justify to sponsor these people to the other bodies.

THE VICE-CHAIRMAN (SHRI DINESH TRIVEDI): Mr. Ramachandraiah, may I please remind you that your party has only four minutes, and one persons from your party has already spoken, and you are the second speaker? So, I just want to remind you that ...*(Interruptions)*... I understand that. That's why I am not interrupting you. Kindly stick to the subject.

DR. ALLADI P. RAJKUMAR: Sir, this is such an important issue that we had requested the hon. Chairman to allot us more time. ...(*Interruptions*)...

THE VICE-CHAIRMAN (SHRI DINESH TRIVEDI): But what I have in front of me indicates 'four minutes'. In spite of that I am not interrupting

*Not recorded.

the speaker. I am just reminding him that his time of four minutes has already finished long time back.

SHRI C. RAMACHANDRAIAH: Sir, due to constraint of time and honouring your words, I am concluding by opposing this Bill. Thank you very much.

SHRI JESUDASU SEELAM (Andhra Pradesh): Mr. Jairam, please don't disturb. Sir, I will start only if I am not disturbed. ...(*Interruptions*)...

Hon. Vice-Chairman, Sir, I don't want to repeat what our senior colleague, Shri Venkaiah Naidu, has said. Apart from him, our senior colleagues, Shri Reddy, Shri Nandi Yellaiahji, have also covered many points. But, Sir, I would also just like to seek clarifications on certain points raised by my learned friends, Shri Ramachandraiah and Shri Ravula Chandra Sekar Reddy. They have raised certain issues. Mr. Madhu, who had no experience either as a Legislator or as a Member of Parliament ...(*Interruptions*)...

SHRI N. JOTHI: Sir, it is objectionable. It should not go on record. ...(*Interruptions*)...

THE VICE-CHAIRMAN (SHRI DINESH TRIVEDI): Mr. Seelam, please stick to the issue ...(*Interruptions*)...

SHRI JESUDASU SEELAM: Sir, I have not completed my sentence. ...(*Interruptions*)... I was only complementing Mr. Madhu. ...(*Interruptions*)...

SHRI N. JOTHI: It should not go on record. ...(*Interruptions*)...

THE VICE-CHAIRMAN (SHRI DINESH TRIVEDI): Please sit down. ...(*Interruptions*) I will handle the issue. ...(*Interruptions*)... Please sit down.

SHRI JESUDASU SEELAM: Sir, I am only complementing Mr. Madhu. I was not saying that he has no experience. He got up unnecessarily. I just meant to say that irrespective of his speaking on the Bill, he has a lot of concern for the issues. I am going to clarify certain points that he has mentioned. So, just listen for a minute till I complete my subject. Sir, Dr. B.R. Ambedkar has been quoted by the learned speakers. I don't want to dwell on that. He had gone through the [redacted] of the federal structure. Sir, just like—as the federal structure has been enshrined in the Constitution—this Upper House

had been created, Mr. Venkaiah Naidu has said that there is a need to articulate the voice of the Zilla Panchayats. So far, we have Legislative Councils only in the States of Maharashtra, Jammu & Kashmir, Bihar, U.P. and Karnataka. We have the representation of the local bodies only in these States. There is a three-tier democratic system—the Centre, the States and the Zilla Panchayats. So, the voice of the Zilla Panchayats also needs to be articulated; needs to be reflected. The aspirations of the poor, at the ground level, who are the mouthpiece of the local bodies at the Mandal Level, at the Block Level, and at the Zila Panchayat Level, need to be fulfilled. So, I agree with Shri Venkaiah Naidu that the delimitation of the MLC constituencies is required to be done in Andhra Pradesh. I don't want to go on talking how*. It is known to everybody.

DR. ALLDI P. RAJKUMAR: Sir, it is very unfair. How can he ...(*Interruptions*)...

THE VICE-CHAIRMAN (SHRI DINESH TRIVEDI): Mr. Seelam, please stick to the subject ...(*Interruptions*)... Please let me handle it. ...(*Interruptions*)... Mr. Seelam, I would request you to please stick to your subject ...(*Interruptions*)... Anything which is objectionable, will be expunged ...(*Interruptions*)... I have said that anything that is objectionable, we will expunge that ...(*Interruptions*)... We will go through the record. Whatever is objectionable, we will expunge that. They have only betrayed him ...(*Interruptions*)...

SHRI M. VENKAIAH NAIDU: I urge upon my hon. colleagues—the hon. Minister is here—whether it is Shrimati Indira Gandhi or Shri Rajiv Gandhi or Shri N.T. Rama Rao, they are no more. So, to now say that somebody was*, as is known to everybody, will not go well with the poeple. So, let us restrain from making such references. They can talk outside. And, let the references to Shri N.T. Rama Raoji be expunged.

THE VICE-CHAIRMAN (SHRI DINESH TRIVEDI): They will be expunged ...(*Interruptions*)...

*Expunged as ordered by the Chair.

SHRI JESUDASU SEELAM: I am only quoting what others have said. ...(*Interruptions*)...

THE VICE-CHAIRMAN (SHRI DINESH TRIVEDI): Mr. Seelam, please stick to the subject ...(*Interruptions*)...

SHRI JESUDASU SEELAM: I have no objection for it to be removed. Sir, the first point is about representation. The justification for my argument stems out of the fact that as a consequence of the 74th Constitution Amendment Bill, we have created three-tier institutions. That is not reflected either in the Lok Sabha or in the Rajya Sabha. It has to be reflected properly in the Legislative Council. There is all the more a need to have the Legislative Council in Andhra Pradesh to start with.

Our friends have said that the Congress Party should have a uniform policy. The Congress Party has a great respect for democracy. Whatever the people of that concerned State might say, let them come with a resolution; we are ready to accept that. We do not want to be pointed out by parties like TDP because they do not have democratic values. When they removed Shri N.T. Rama Rao from the Chief Ministership of Andhra Pradesh, they really showed what respect they are giving for democracy ....(*Interruptions*)... They cannot talk about democratic values ...(*Interruptions*)... The people have rejected them because they do not have democratic values ...(*Interruptions*)... I have not showed ... ...(*Interruptions*)... I have show the truth. The truth is that they have betrayed him ...(*Interruptions*)... The second point is this, Sir. ...(*Interruptions*)... Sir, I am not yielding ...(*Interruptions*)... I am telling the truth ...(*Interruptions*)... I am not yielding ...(*Interruptions*)...

THE VICE-CHAIRMAN (SHRI DINESH TRIVEDI): Will you please conclude now, Mr. Seelam?

SHRI JESUDASU SEELAM: The second point is this. While having a relook at the constituencies, the delimitation proposal and the reconstitution of the Council, we would like to humbly request the law Minister to have reservation for the Scheduled Castes and the Scheduled Tribes because it is difficult for any sensible, committed, educated, intellectual and intelligent Dalit or Tribal candidates to fight elections in the Assembly or in the Parliament. I have seen the role that money, muscle power, and expenditure play in it from very close quarters. So, I

would like that this institution, the Legislative Council, should have reservation for the Scheduled Castes and the Scheduled Tribes. You may argue that this is a spearate subject. Once we start with one State, we can have any number of porposals coming from other States. These are the points on which I would like to stress.

Apart from that, there is a commitment before the elections not to take up any populist measures. Every person in the State of Andhra Pradesh has endorsed it by showing his or her mandate, not once, but twice; at the Lok Sabha Assembly polls on the one hand, and the recently held Municipal elections on the other hand ...(*Interruptions*)... They declared their mandate for the Congress Party ...(*Interruptions*)... You have no case, my dear friends. My dear friends, you, definitely, are trying to argue your case. But, whatever it may be, Sir, ...(*Interruptions*)... the fact of the matter is that people rejected them. People have ousted them ...(*Interruptions*)... They have no case to say anything. I request the hon. Minister to give representation to the Panchayati Raj Institutions, then, only, Constitution will have a meaningful implementation, and the 74th Amendment will have a meaningful implementation. I also request for providing reservation for the SC/STs because we can use the best talent from this category. With these words, I support the Bill.

SHRIMATI N.P. DURGA (Andhra Pradesh): Sir, I rise to oppose the Andhra Pradesh Legislative Council, Bill 2005, lock, stock and barrel. You may ask, "You are in the Second Chamber, *i.e.*, Rajya Sabha, why are you opposing for a second chamber or for a bicameral legislature in Andhra Pradesh." Sir, Rajya Sabha, in many respects, has a different role and status in the scheme of things than a Legislative Council. Rajya Sabha acts as an effective check on the Lok Sabha. But, when it comes to the Legislative Council, the history of the last 50 years show that they have utterly failed in delivering the goods. This becomes clear if you look at the Legislative Councils which have been abolished by separate Parliament enactments over the last 40 years. Sir, the West Bengal Legislative Council was abolished on 1st August, 1969; Punjab Legilsative Council was abolished on 7th January, 1970; Tamil Nadu Legislative Council was abolished on 1st June, 1986, and Andhra Pradesh Legislative Council was abolished on 1st January, 1986. And, now, there are Legislative Councils only in four States—Bihar, Maharashtra, Karnataka and Uttar Pradesh. These statistics

clearly show that more than 50 per cent of the Legislative Councils have failed to meet the expectations of the people and have become political rehabilitation centres and, moreover, they have no check on the Legislative Assemblies. I am also opposing this move because the proposed Legislative Council in Andhra Pradesh is not going to have any legislatives powers, *i.e.*, it cannot reject any legislation made by the Legislative Assembly. And, moreover, it drains the Exchequer to the tune of Rs. 150 crores annually of the State which is reeling under severe financial crisis.

Sir, the second point I would like to make is, the Andhra Pradesh Assembly, on 22nd January, 1990, passed a Resolution for the revival of the Legislative Council in the State. In pursuance of this Resolution, a Bill to revive the Legislative Council in Andhra Pradesh was introduced in this very House on 10th May, 1990, and this very House passed that Bill on 28th May, 1990. But, the Bill could not be passed by the Lok Sabha due to dissolution of the 9th Lok Sabha. So, the Resolution for revival of the Legislative Council in Andhra Pradesh is still in existence, since the Assembly has not withdrawn that Resolution as per its rules of procedure. In 1996, the State Government had only said that it is not in favour of revival of the Legislative Council. That means, the Legislative Council of Andhra Pradesh has not been abolished as has been required under Article 169(1) of the Constitution and is only, if I may say so, under suspended animation. So, my point is, how can you create a new Legislative Council when there is a Resolution pending for revival and even if you want to revive, I failed to understand how can you revive a Legislative Council under Article 169(1) which allows you only to abolish or create a Legislative Council. That means, you are creating Legislative Council when there is already a Legislative Council—as it has not been abolished as per the rules of procedure. So, to my understanding, Mr. Vice-Chairman, Sir, this Bill is unconstitutional, unethical, against the rules of procedure and against the wishes of the people of Andhra Pradesh.

Sir, the third point I wish to make is this. Even if you look at the Constituent Assembly Debates of Volume VII of 1948, there is no unanimity in favour of the State Legislative Councils. The arguments

that have been put forth against having Legislative Councils are: It is not comprised of the representatives of the people as such, it is a protective armour for the vested interests, *i.e.*, the ruling party, and that is a drag on the public exchequer. If you look at Article 197, the Legislative Councils have power only to delay mattes, and that too only for a limited time. If a Bill that is passed by the Assembly is rejected by the Council, the former can pass it again in the same form for transmission to the Council, and if it is again rejected, the Bill shall be deemed to have been passed by both the Houses. The other logic given by the Government of Andhra Pradesh is about giving representation to certain special functional interests such as local bodies, teachers, graduates, scholars, experts, etc. Sir, in our democratic set up, large emphasis is given on setting up of various fora, like the National Integration Council, Citizens Peace Committees, Citizens Advisory Committees, etc., on subjects like health, legal aid, education, rural development, etc. So, these citizens are given representation in these bodies. Hence, the prominent citizens of the State have chance in these bodies to present their viewpoint. Sir, even Dr. Ambedkar, the Chairman of the Constitution Committee agreed to this. This becomes clear if you look at page 1309, dated 6th January, 1949, Volume-VII, 1948. With your permission, Sir, I just wish to quote what Dr. Ambedkar has said. He said, and I quote, "I don't think the view of those who are opposing the Second Chambers can be better put than in the words of Abbe Seiyes. His criticism was two-fold. He said that if the Upper House agrees with the Lower one, then it was superfluous. If it did not agree with the Lower House, it was a mischievous body and we ought not to entertain it. The first part of the Abbe Seiyes is, undoubtedly valid, because it is so obvious..."

So, Sir, in the light of these observations, I leave it to the prudence of this Government, and appeal to all my hon. colleagues, to out-rightly reject this Bill and save money, and also, stop the creation of another political rehabilitation center. Thank you, Sir.

SHRI H.R. BHARDWAJ: Mr. Vice-Chairman, Sir, at the outset, I would like to thank all the hon. Members, who have taken part in this debate. Some of them have eloquently spoken, to the point, as my senior colleague, Shri Venkaiah Naidu. He has covered almost all the points, which have

been made by various Members, for and against, and I greatly value his speech because it has been just and to the point.

Sir, I would not like to take your time by going into the efficacy of a bicameral system of Legislature. Dr. Ambedkar and our founding-fathers cleared the mist and the country went in favour of the system of bicameral Legislature. That is how we have two Houses in the Parliament. Even in the States, where we have provided for legislatures, we had provided that they could also have two Houses. It is left to the discretion of the Assemblies there and the Government there. As Mr. Naidu pointed out, it depends upon the finances of the State and the desires of the people residing there, as reflected in the Assembly.

So, I cannot really, after fifty or more years of the Constitution being enforced, go back into the debate whether the bicameral system is good or unicameral system is good. There is a purpose for which the Houses have been created. Debating forums always pay. Wherever we have got one House or two Houses, now we have created three tiers of governance in the country, with the creation of the local self-government. Even they are doing well. Therefore, it is left to the wisdom of the House, the Parliament, it decides to have a debating forum or abolish a forum, wherever it is already there.

Sir, I will simply go by the mandate of Article 169 of the Constitution. The Parliament has been empowered that if two conditions are satisfied, namely, the Resolution is passed by the Assembly of the State, and it is passed by a special majority of two-third Members present and voting, then the Parliament may create or abolish the Legislative Council.

In the case of Andhra Pradesh, I remember, the late leader, Shri N.T. Rama Rao—he was a very dear friend of mine and I have great regards for him—made a request to the Central Government. I was then the Law Minister. Our late leader, Shri Rajiv Gandhi, was then the Prime Minister. We received his request from Andhra Pradesh that the Assembly Resolution be respected, and that they did not want to have a second House in Andhra Pradesh. We had a very big majority in the Parliament, with more than 400 MPs, and political considerations do weigh in political parties, as they are doing now. They are forcefully opposing without any force in their arguments! But, we went by sheer respect for the then

leader of Andhra Pradesh, and Chief Minister, and respect for the Assembly Resolution. My Prime Minister directed me to immediately implement the Resolution of the Assembly.

Sir, you will appreciate that when people elect a Legislature in the State, we have to pay due regards to that Legislature. It is here that I would caution all the hon. Members that we should not fall into the petty considerations of politicking. Because when there is a Legislature, when there is a Government in the State, they have to be given due consideration as hon. Member, Shri Venkaiah Naidu, just now pointed out whether they can afford to spend that much of amount in the Second Chamber and if they can do it, certainly they should try to have unrepresented talent in the Second House and it is for them to decide the quality of Members they would like to have there and I would be supporting and all should support it to have the best talent available in the country. After all, I can never get elected in any Lok Sabha, but my leader always provided me a seat here. There are many such cases like Fali Nariman who can come to the House by nomination. So, our founding fathers provided opportunity by various means that the talent can be brought in the Second House. Similarly, when *Mahilas* were not getting participation in governance, I brought—my leader, late Shri Rajiv Gandhi emphasised—the third tier of governance in the country, namely, the local self-Government and there, a lot of talent has come in the local self-Government. We should welcome it leaving these small considerations of opposing each other and I am very sorry to say, in this process, we bring the names of several leaders who are no more with us. Any departed leader must be given due respect whichever party he belongs to. Therefore, these are unnecessary observations. I will simply remind you of two things. I have before me a Resolution of Legislative Assembly of a Government. Recently, I received a Resolution from Assam. They also want a Legislative Council. One of my friends from the BJP from Himachal would also like to have a Second House. So, it depends upon the needs, requirements and conditions of a State whether they would like to have a Second House or not. It is voluntary in the present state of the Constitution whether they want to have a Second House or not. With this, we have to go by two things, namely, whether there is a Resolution of the Assembly and whether the Government wants it. If these two are there, the Parliament has the competence to create or

abolish a House. Fanciful arguments have been advanced that House has not been abolished and still there is already a House. Once the Parliament passes a law and it is enforced, there is no question of a House surviving. It is the Parliament's law which decides the fate of the Second House. So, in this particular case, Sir, recently there were elections in Andhra Pradesh and there is a massive mandate given to the present Chief Minister and the Assembly of that State has sent us a Resolution and we have brought before the Parliament a request that this Legislative Council which was abolished in 1985 should now be revived. There is no reason to show disrespect to the present Resolution of the State Assembly. Therefore, the Lok Sabha rightly passed this Bill and I am before this House. One issue was raised by Shri Venkaiahji about the delimitation. The Bill provides that the constituency, in which Andhra Pradesh shall be divided for the purpose of elections, will be decided as soon as after the commencement of this Act by the President in consultation with the Election Commission. So, once this is passed, we will consult the Election Commission. Then, they are going to be notified. Thus, all aspects will be taken into consideration. We have not been able to meet one requirement of introducing the primary teachers because the Assembly did not specify this. So, I am strictly to the Resolution of the Assembly, not putting any other element. If at all, at any point of time, they want to give representation to primary teachers , they may do so. So, Sir, with these few remarks, I will commend that this Bill be passed. Thank you.

THE VICE-CHAIRMAN (SHRI DINESH TRIVEDI): Now, the question is:

> "That the Bill to provide for the creation of Legislative Council for the State of Andhra Pradesh and for matters supplemental, incidental and consequential thereto, as passed by Lok Sabha, be taken into consideration."

The question was put and the motion was adopted.

THE VICE-CHAIRMAN (SHRI DINESH TRIVEDI): Now, we shall take up clause-by-clause consideration of the Bill.

Clauses 2 to 5 were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

3.00 P.M.

SHRI HANSRAJ BHARDWAJ: Sir, I move:

"That the Bill be passed."

SHRI RAVULA CHANDRA SEKAR REDDY: Sir, we are pressing for Division.

THE VICE CHAIRMAN (SHRI DINESH TRIVEDI): The question is:

"That the Bill be passed."

The House divided.

THE VICE-CHAIRMAN (SHRI DINESH TRIVEDI): Ayes : 84

Noes : 34

Ayes—84

Abdul Wahab Peevee, Shri
Ahluwalia, Shri S.S.
Akhilesh Das, Dr.
Anand, Shri R.K.
Anand Sharma, Shri
Apte, Shri Devdas
Ashwani Kumar, Shri
Azmi, Maulana Obaidullah Khan
Bagrodia, Shri Santosh
Bajwa, Shri T.S.
Barupal, Shrimati Jamana Devi
Bhandary, Prof. Ram Deo
Bhardwaj, Shri Hansraj
Bhardwaj, Shri Suresh
Bhattacharjee, Shri Karnendu
Bhattacharya, Shri Jayanta
Cariappa, Shrimati Prema
Chavan, Shri Prithviraj
Condpan, Shri Silvius
Deora, Shri Murli

Deshpande, Kumari Nirmala
Dhawan, Shri R.K.
Dwivedi, Shri Janardan
Faguni Ram, Dr.
Gill, Dr. M.S.
Gnanadesikan, Shri B.S.
Goenka, Shri R.P.
Gupta, Shri Prem Chand
Hariprasad, Shri B.K.
Heptulla, Dr. (Shrimati) Najma A.
Kashyap, Shri Ramadhar
Kasturirangan, Dr. K.
Keishing, Shri Rishang
Kesari, Shri Narayan Singh
Khandelwal, Shri Pyarelal
Kharshiing, Shri Robert
Kidwai, Shrimati Mohsina
Kovind, Shri Ram Nath
Kshatriya, Prof. Alka Balram
Lath, Shri Surendra
Maheshwari, Shri P.K.
Mandal, Shri Mangani Lal
Manhar, Shrimati Kamla
Meena, Shri Moolchand
Naidu, Shri M. Venkaiah
Naik, Shri Shantaram Laxman
Nandi Yellaiah, Shri
Narayanasamy, Shri V.

Natchiappan, Shri E.M. Sudarsana
Natwar Singh, Shri K.
Pachouri, Shri Suresh
Pany, Shri Rudra Narayan
Parmar, Shri Kripal
Parmar, Shri Raju
Patil, Shri Shivraj Vishwanath
Pillai, Shri Thennala G. Balakrishna
Poojary, Shri Janardhana
Rahman, Shri Motiur
Rai, Shrimati Kum Kum
Raikar, Shrimati Bimba
Ramesh, Shri Jairam
Rao, Shri V. Hanumantha
Reddy, Dr. T. Subbarami
Sahu, Shri Ram Narayan
Seelam, Shri Jesudasu
Sengupta, Shri Arjun Kumar
Sharma, Shri Laxminarayan
Sharma, Shri Satish Kumar
Sharmah, Shri Dwijendra Nath
Shukla, Shri Rajeev
Shunmugasundaram, Shri R.
Singh, Shrimati Maya
Sinha, Shri Yashwant
Soni, Shrimati Ambika
Soz, Prof. Saif-ud-Din
Sukhbuns Kaur, Shrimati

Taimur, Shrimati Syeda Anwara
Thakur, Dr. Prabha
Thirunavukkarasar, Shri Su.
Varma, Prof. R.B.S.
Verma, Shri Vikram
Vora, Shri Motilal
Yadav, Shri Subhash Prasad
Yadav, Shri Vijay Singh

Noes—34

Akarapu, Shri Sudarshan
Akhtar, Shri Kamal
Anbalagan, Shri S.
Azmi, Shri Abu Asim
Basha, Shri S.M. Laljan
Bohidar, Ms. Pramila
Chandran, Shri S.S.
Chatterjee, Shri Prasanta
Dhinakaran, Shri T.T.V.
Durga, Shrimati N.P.
Govindarajar, Shri N.R.
Indira, Shrimati S.G.
Jalan, Dr. Bimal
Joshi, Shri Sharad Anantrao
Jothi, Shri N.
Kamaraj, Shri R.
Karat, Shrimati Brinda
Khan, Shri S.P.M. Syed
Madhu, Shri Penumalli

Malaisamy, Dr. K.

Mukherjee, Shri Dipankar

Narayanan, Shri P.G.

Perumal, Shri C.

Pillai, Shri K. Chandran

Premachandran, Shri N.K.

Rajkumar, Dr. Alladi P.

Ramachandraiah, Shri C.

Rao, Shri K. Rama Mohana

Reddy, Shri Ravula Chandra Sekar

Roy, Shri Tarini Kanta

Sarkar, Shri Matilal

Selvan, Shri Thanga Tamil

Sirigireddy, Shri Rama Muni Reddy

Vanga Geetha, Shrimati

The Motion was adopted.

THE TAXATION LAWS (AMENDMENT) BILL, 2005

THE VICE-CHAIRMAN (SHRI DINESH TRIVEDI): Hon. Members, we shall now take up the Taxation Laws (Amendment) Bill, 2005. ...(*Interruptions*)...

SHRI N. JOTHI (Tamil Nadu): Mr. Vice-Chairman, Sir, where is the Minister? ...(*Interruptions*)...

THE VICE-CHAIRMAN (SHRI DINESH TRIVEDI): The hon. Minister to move the motion for consideration ...(*Interruptions*)...

SHRI N. JOTHI: But, Sir, where is the Minister?

THE VICE-CHAIRMAN (SHRI DINESH TRIVEDI): Let him move the motion. ...(Interruptions)... Let him move the motion. ...(*Interruptions*)...

SHRI N. JOTHI: Sir, the Minister is deliberately avoiding the House.. * ...(*Interruptions*)..

*Not recorded.